

STATE OF MICHIGAN
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

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In the matter, on the Commission's own motion,)	
regarding the regulatory reviews, revisions,)	
determinations, and/or approvals necessary for)	Case No. U-15825
AEP ENERGY, INC. , to fully comply with Public)	
Act 295 of 2008.)	
_____)	

At the June 15, 2017 meeting of the Michigan Public Service Commission in Lansing,
Michigan.

PRESENT: Hon. Sally A. Talberg, Chairman
Hon. Norman J. Saari, Commissioner
Hon. Rachael A. Eubanks, Commissioner

ORDER

On October 21, 2008, the Commission opened this docket and directed AEP Energy, Inc. (AEP), an alternative electric supplier (AES), to file a renewable energy plan (REP) in compliance with 2008 PA 295, MCL 460.1001 *et seq.* (Act 295). On April 16, 2009, the Commission issued an order in which AEP's initial REP was approved pursuant to Section 23 of Act 295,

MCL 460.1023.^{1, 2} On April 12, 2017, AEP filed a letter in this docket indicating that it continues to not serve retail customers in Michigan.

Section 22(1) of Act 295, MCL 460.1022(1), provides that:

Renewable energy plans and associated revenue recovery mechanisms filed by an electric provider, approved under former section 21 or 23 or found to comply with this act under former section 25 and in effect on the effective date of the 2016 amendatory act that added this section, remain in effect, subject to amendments as provided for under subsections (3) and (4).

Section 22(3) of Act 295, MCL 460.1023(3), requires that the Commission provide an opportunity for public comment on AEP's REP. Because AEP does not have any retail customers in Michigan, AEP has no affected parties to notify. When AEP begins marketing to Michigan customers, it shall provide a description of its amended REP in its marketing materials as well as a description of its REP on its website. After AEP acquires Michigan customers, it shall send written notification to all customers telling them where and how to review the description of the REP.

Section 51(1) of Act 295, MCL 460.1051, requires AEP to provide an annual report to the Commission until January 1, 2023. The Commission Staff (Staff) recommends that because AEP is not currently serving customers, the filing of an annual report is not required.

¹ For AESs without customers or sales, the Commission accepts a letter indicating that the company is not serving customers in Michigan (and thus has no renewable energy credit requirement) and a statement of how the company intends to meet the Act 295 renewable energy requirement in the event that it begins selling energy to customers in Michigan. Every two years after the initial plan is approved, an AES must either file a formal REP or a letter reaffirming that it still does not have sales in Michigan.

² Section 23 of Act 295 was repealed as part of 2016 PA 342, and replaced in part by Section 22 of Act 295.

The Staff recommends that the Commission find that the company continues to be in compliance with the requirements of 2008 PA 295.

THEREFORE, IT IS ORDERED that:

A. AEP Energy, Inc., continues to be in compliance with the requirements of 2008 PA 295.

B. AEP Energy, Inc., is not required to file an annual report with the Commission while it is not serving retail customers. In the event that AEP Energy, Inc., begins serving retail customers in Michigan, it shall file a report with the Commission describing the status of compliance with the requirements of 2008 PA 295 by June 30 every year until further order of the Commission, or January 1, 2023.

The Commission reserves jurisdiction and may issue further orders as necessary.

Any party desiring to appeal this order must do so by the filing of a claim of appeal in the Michigan Court of Appeals within 30 days of the issuance of this order, under MCL 462.26. To comply with the Michigan Rules of Court's requirement to notify the Commission of an appeal, appellants shall send required notices to both the Commission's Executive Secretary and to the Commission's Legal Counsel. Electronic notifications should be sent to the Executive Secretary at mpscedockets@michigan.gov and to the Michigan Department of the Attorney General - Public Service Division at pungp1@michigan.gov. In lieu of electronic submissions, paper copies of such notifications may be sent to the Executive Secretary and the Attorney General - Public Service Division at 7109 W. Saginaw Hwy., Lansing, MI 48917.

MICHIGAN PUBLIC SERVICE COMMISSION

Sally A. Talberg, Chairman

Norman J. Saari, Commissioner

Rachael A. Eubanks, Commissioner

By its action of June 15, 2017.

Kavita Kale, Executive Secretary